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10 *Attorneys for Plaintiffs*
The American Beverage Association and California
11 State Outdoor Advertising Association

12 *Additional Counsel on Signature Page*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16
17 THE AMERICAN BEVERAGE
ASSOCIATION, CALIFORNIA RETAILERS
18 ASSOCIATION, CALIFORNIA STATE
OUTDOOR ADVERTISING ASSOCIATION,
19

CASE NO. 3:15-cv-03415-EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

20 Plaintiffs,

21 v.

22 THE CITY AND COUNTY OF SAN
FRANCISCO,
23

Defendant.

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiffs The American Beverage
2 Association, California Retailers Association, and California State Outdoor Advertising
3 Association (“Plaintiffs”), and Defendant The City and County of San Francisco, hereby
4 stipulate as follows:

5 WHEREAS, the Court scheduled a Case Management Conference for September
6 7, 2017 (Dkt. No. 94);

7 WHEREAS, on July 31, 2017, this Case Management Conference was reset to
8 September 28, 2017 (Dkt. No. 95);

9 WHEREAS, on September 18, 2017, this Case Management Conference was
10 reset to March 29, 2018 (Dkt No. 98);

11 WHEREAS, a Case Management Statement is due to the Court by March 22,
12 2018 (Dkt. No. 98);

13 WHEREAS, on June 16, 2016, Plaintiffs American Beverage Association and
14 California Retailers Association filed a Notice of Appeal of the Court’s May 17, 2016 Order
15 Denying Plaintiffs’ Motion for Preliminary Injunction, and Plaintiff California State Outdoor
16 Advertising Association filed a separate Notice of Appeal of the same order on that date;

17 WHEREAS, on April 17, 2017, the parties presented oral argument to the U.S.
18 Court of Appeals for the Ninth Circuit;

19 WHEREAS, on September 19, 2017, the U.S. Court of Appeals for the Ninth
20 Circuit issued a decision in the appeal in this case (Ninth Circuit Dkt. No. 74);

21 WHEREAS, on October 17, 2017, Defendant filed a Petition for Panel Rehearing
22 or Rehearing En Banc in the appeal in this case (Ninth Circuit Dkt. No. 77);

23 WHEREAS, on January 29, 2018, the U.S. Court of Appeals for the Ninth Circuit
24 granted Defendant’s Petition for Rehearing En Banc in the appeal in this case (Ninth Circuit Dkt.
25 No. 100); and

26 WHEREAS, the parties are awaiting an order by the U.S. Court of Appeals for the
27 Ninth Circuit concerning oral argument for the rehearing and awaiting a decision in this case,

28 NOW, THEREFORE, in the interest of judicial economy and good cause

1 showing, the undersigned parties, by and through their counsel of record, hereby agree and
2 stipulate, and the Court hereby orders, as follows:

3 (1) The Case Management Conference, currently scheduled for March 29, 2018 at
4 10:30 a.m., shall be continued to at least two weeks following a decision by the U.S. Court of
5 Appeals for the Ninth Circuit, at a date and time convenient for the Court; and

7/12/18 at 10:30 a.m.

6 (2) The parties shall submit a Joint Case Management Statement by one week
7 prior to the Case Management Conference.

8 The parties respectfully request that the Court enter an Order approving this
9 Stipulation.

10 IT IS SO STIPULATED.

11

12 Dated: March 15, 2018

Respectfully submitted,

13

LATHAM & WATKINS LLP

14

15

By /s/ Marcy C. Priedeman

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The American Beverage Association and
California State Outdoor Advertising
Association

1 Dated: March 15, 2018

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6 *Attorneys for Plaintiff*
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8 Dated: March 15, 2018

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14 *Attorneys for Defendant*
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16 **ATTESTATION CLAUSE**

17 Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that I obtained in the filing of this
18 document the concurrence from all parties whose electronic signatures appear above.

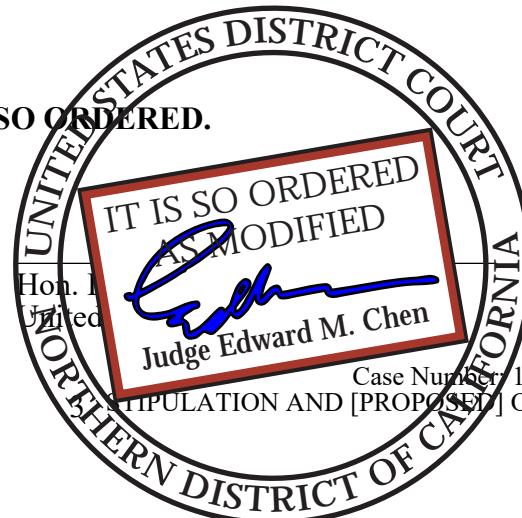
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20 Dated: March 15, 2018

LATHAM & WATKINS LLP

21
22 By: /s/ Marcy C. Priedeman
Marcy C. Priedeman

23
24
25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26
27 DATED: _____
3/16/18



Case Number: 15-cv-03415-EMC